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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/822,827

04/13/2004

Bong Mook Park

MR2685-159

4804

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7590

03/03/2006

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

EXAMINER

KYLE, MICHAEL J

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,827

Applicant(s)

PARK, BONG MOOK

Examiner

Michael J. Kyle

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/13/2004
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The independent claims 1, 15, 16, and 18 recite limitations that appear to disagree with specification of the instant application. Specifically, claim 1 provides for “at least one check valve...to thereby selectively form a second oil path”. The specification describes elements 153a and 153b as check valves and element 181 as the second oil path. Based on the arrangement shown in figure 2, it is unclear how check valves 153a and 153b selectively form a second oil path 181. The second oil path 181 appears to be selectively formed by overspeed prevention valve 152. Further, it appears the only path selectively formed by the check valves are the through holes 153c and 153d (see figure 5b). Further yet, examiner cannot find a description in the specification of a “speed adjustment unit”, as recited in the next to last paragraph of claim 1. This term is mentioned once by the name in the specification (in paragraph [0194] of the publication of this application, US 2004/0250377), however, there is no further description or reference to the drawings further describing precisely what the speed adjustment unit comprises.
3. Claim 15 recites “at least one check valve...to thereby selectively form a second oil path”. As discussed above with reference to claim 1, it is unclear, based on the description in the

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specification, how the check valves 153a and 153b form second oil path 181, as these elements to not appear to be arranged in such a manner to provide for the claimed limitation.

4. Claim 16 recites “at least one check valve...to thereby selectively form a second speed adjustment oil path”. Similar to claims 1 and 15, it is unclear how the check valves 153a and 153b are related to the second speed adjustment oil path. The specification describes the second speed adjustment oil path as element 179b (paragraph [0096] of the publication, or page 31, line 23 of the specification) formed in tubes 170, 175 (paragraph [0084] of the publication, or page 27 lines 20-23 of the specification). This path does not appear to be formed from the check valves 153a and 153b.

5. Claim 18 recites “at least one check valve...to thereby selectively form a oil path”. Initially, examiner notes that “a” should be replaced -- an -- before “oil path”. Secondly, similar to the claims 1, 15, and 16 as described above, the check valves 153a and 153 appear to affect the flow of oil through the through holes 153c and 153d. The relationship between the check valves 153a and 153b and any of the described oil paths does not appear to be addressed in the specification. From this, it is unclear how the check valves form an oil path.

6. Claims 2-14 and 17 depend from these independent claims and include all of the limitations thereof; therefore these claims are also rejected.

Allowable Subject Matter

7. Claims 1, 15, 16, and 18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action. Dependent claims 2-14 and 17 would also be allowable once the issues above have been properly addressed.

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Examiner also notes that if it can be shown in the specification that the claimed limitation in question are addressed, then the claims may not have to be amended.

Conclusion


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited to further show the state of the art with respect to door closers: Seaman et al, Okabe, Chen, Shy, Idler, Daul, and Jang.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ROBERT J. SANDY
PRIMARY EXAMINER